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FOLLOW-UP ACTIONS TO THE RECOMMENDATIONS OF THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT: INTERNATIONAL MIGRATION

Monitoring of population programmes

Report of the Secretary-General

SUMMARY

The present report has been prepared in accordance with the topic-oriented and prioritized multi-year work programme of the Commission on Population and Development, which was endorsed by the Economic and Social Council in its resolution 1995/55. The topic for 1997 is international migration, with special emphasis on the linkages between migration and development, and on gender issues and the family.

This report, which reflects the responses received from Representatives/Country Directors of the United Nations Population Fund (UNFPA) in 52 countries and the Permanent Missions to the United Nations of 10 developed countries, reviews progress with respect to policies, programmes and other activities in international migration that Governments undertook at the national level following the International Conference on Population and Development, held in Cairo in September 1994. It presents the strategies and approaches that countries adopted to respond to the recommendations of the Programme of Action of the International Conference on Population and

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Development concerning international migration. The report focuses on efforts to promote cooperation and dialogue between sending and receiving countries and on policies and programmes to facilitate family reunification, promote social and economic integration, facilitate short-term and project-related labour migration, assist refugees, protect migrants against discrimination, prevent international trafficking in migrants and monitor migration flows. The report also highlights concerns raised by Governments in matters pertaining to policy formulation and programme implementation in international migration.

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INTRODUCTION

1. The present report on the monitoring of population programmes has been prepared by the United Nations Population Fund (UNFPA) in accordance with the topic-oriented and prioritized multi-year work programme of the Commission on Population and Development. The topic for 1997 is international migration, with special emphasis on the linkages between migration and development, and on gender issues and the family.

2. This report reviews progress with respect to policies, programmes and other activities in international migration that Governments have undertaken at the national level since the International Conference on Population and Development. It highlights the challenges faced by countries in the implementation of the Programme of Action of the International Conference on Population and Development[1] in this field. It also provides an overview of selected conferences, expert group meetings, workshops and other cooperative efforts undertaken by the organizations of the United Nations system and its specialized agencies and by the international community at both regional and interregional levels to address international migration issues.

3. International migration has received considerable attention in recent years as the number of international migrants, including refugees, was estimated to have surpassed 125 million. Governments, policy makers, social scientists and the public are concerned with the perceived and real consequences of migratory flows on both the communities of origin and the communities of destination. Demographic, cultural, economic, environmental, political and social factors are all affected by, and in turn affect, international migration flows.

I. METHODOLOGY

4. Information on activities pertaining to international migration undertaken at the national level was gathered from a questionnaire sent to 107 UNFPA representatives and country directors in developing countries and countries with economies in transition. Questionnaires were also sent to the Permanent Missions to the United Nations of 26 developed countries. The questions addressed the following key issues covered in chapter X, entitled "International migration", of the Programme of Action of the International Conference on Population and Development: cooperation and dialogue between countries of origin and countries of destination; family reunification; social and economic integration of documented migrants having the right to long-term residence; protection of migrants against discrimination; temporary labour migration; refugee and returnee assistance and rehabilitation; undocumented migration; international trafficking in migrants; emigration of persons who seek employment abroad; establishment of a department to address immigration issues and policies; and collection of data on flows and stocks of international migrants and on factors causing migration.

5. The information on activities at the national level is based on responses received from 47 developing countries, 5 countries with economies in transition and 10 developed countries, for a total of 62 countries.[2] The table contained

in this report provides a breakdown according to the regions from which responses were received.

II. ACTIVITIES IN THE FIELD OF INTERNATIONAL MIGRATION UNDERTAKEN SINCE THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT AT THE NATIONAL LEVEL

6. The Programme of Action of the International Conference on Population and Development urges Governments to adopt sound international migration policies and programmes that "take into account the economic constraints of the receiving country, the impact of migration on the host society and its effects on countries of origin" (para. 10.1). In the same paragraph, it underscores the linkage between international migration and development, noting that international economic imbalances, poverty, environmental degradation, the absence of peace and security and human rights violations are important factors that affect international migration.

7. Several countries reported having formulated international migration policies, passing immigration legislation or modifying immigration policies or laws in direct response to the Programme of Action of the Conference. Some of them had established an overall migration policy. For example, Cambodia reported having signed a new Immigration Law since the Conference; Madagascar reported new legislation concerning immigration, investment in the country and the emigration of nationals; and the Russian Federation reported the approval in 1996 of the Law of the Russian Federation on Entrance and Exit Regulations.

8. Others had addressed such issues as protecting basic human rights and eliminating discrimination against migrants, particularly women; promoting integration; and refugee concerns. Several countries had been drafting or reviewing new immigration legislation. For example, Paraguay reported that the National Congress was reviewing a new Migration Law that would establish the country's migration policy and institutional framework for addressing migration issues. In Poland, Parliament was debating a new Aliens Law. The approaches that Governments adopted to respond to recommendations of the Programme of Action of the Conference are presented in subsections A through J below.

A. Cooperation and dialogue between countries of origin and countries of destination

9. Cooperation and dialogue between countries of origin and countries of destination were the most frequently reported activities related to international migration. Of the 62 countries responding to the inquiry, 36 reported having engaged in bilateral or multilateral negotiations on international migration (most concerning labour migration), 36 reported having exchanged information with other Governments and 6 reported having attended international conferences on migration (see table).

Number of countries responding to UNFPA inquiry[a] and type of interchange concerning migration issues, by region or group

Region or group	Total number of countries responding[a]	Engaged in bilateral or multilateral negotiations	Exchanged information with other Governments	Attended international migration conferences
Sub-Saharan Africa (including Eastern, Middle, Southern and Western Africa)	17	7	11	1
Northern Africa and Western Asia	4	3	3	1
Asia (including Eastern, South-eastern, South-central Asia)	13	5	6	4
Latin America and the Caribbean	11	10	7	[b]
Oceania	2	[b]	[b]	[b]
Countries with economies in transition	5	2	2	[b]
Developed countries	10	9	7	[b]
Total[c]	62	36	36	6

Source: UNFPA inquiry, 1996.

[a] Responses received as of 25 November 1996 from UNFPA Representatives/Country Directors in 52 countries and the Permanent Missions to the United Nations of 10 developed countries.

[b] No response.

[c] Responses add to more than the total number of countries responding because of multiple mentions.

10. In sub-Saharan Africa, Burundi, Mauritania, Mozambique, Namibia, the United Republic of Tanzania and Zimbabwe all reported having engaged in bilateral or multilateral discussions to address migration issues, especially labour migration and refugee concerns, with other countries in the region. South Africa reported having concluded agreements related to international migration policies with Botswana, Lesotho, Mozambique, Namibia and Zimbabwe and that it was in the process of concluding similar agreements with Malawi, the United Republic of Tanzania and Zambia. In addition, a number of African countries reported having exchanged information with other Governments regarding their international migration policies and regulations governing the admission and stay of migrants. Burundi, Cameroon, Kenya, Madagascar, Mauritania, Mozambique, Namibia, Togo, Uganda, the United Republic of Tanzania and Zimbabwe all reported

having exchanged information on international migration issues of concern, including labour migration, repatriation of refugees and the movement of peoples from one country to another.

11. In Northern Africa and Western Asia, Morocco, Jordan and Yemen reported having engaged in discussions on international migration; Jordan and Yemen had conducted negotiations regarding temporary labour migration. Morocco, Jordan and Yemen also reported having exchanged information with other Governments concerning policies governing the admission and stay of migrants.

12. In Asia, Bangladesh, Indonesia, Malaysia, Sri Lanka and Thailand all reported having engaged in bilateral or multilateral discussions on the issue of international migration. In Indonesia, Malaysia and Sri Lanka, the discussions had focused on labour migration. Cambodia, Indonesia, Malaysia and Viet Nam reported having exchanged information with other Governments regarding their policies on the admission and stay of migrants; Malaysia and Viet Nam reported that there had been exchanges concerning labour migration policy.

13. In Latin America, Bolivia, Brazil, Costa Rica, Cuba, El Salvador, Honduras, Mexico, Nicaragua, Paraguay and Uruguay reported having engaged in bilateral or multilateral discussions concerning international migration with countries in the region. In Bolivia and Brazil, the negotiations had focused on undocumented migrants; in Cuba, they had concerned the repatriation of undocumented migrants and the importation of foreign labour. In Mexico, the discussions had concerned undocumented migrants, trafficking in migrants and refugees. In Nicaragua, high-level government discussions with neighbouring countries had focused on the protection of the rights of Nicaraguan citizens. Some countries, notably Brazil and Uruguay, reported that they had participated in discussions on international migration within the framework of the Southern Cone Common Market (MERCOSUR). In addition, Bolivia, Brazil, Costa Rica, Cuba, El Salvador and Mexico reported having exchanged information with other countries, especially neighbouring States, regarding migration issues. Uruguay reported having exchanged information with migration organizations and with member States of MERCOSUR.

14. Among countries with economies in transition, the Republic of Moldova and the Russian Federation both reported having engaged in bilateral discussions regarding international migration policies and having exchanged information on policies. In the Republic of Moldova, discussions had focused on the migration of labour.

15. Of the 10 developed countries that responded to the inquiry, 9 reported having engaged in bilateral or multilateral negotiations and discussions on international migration, most within the framework of the international organizations of which they were members, including the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE), the Intergovernmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC), the Budapest Group, the Council of Europe, the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the Organisation for Economic Cooperation and Development (OECD). Austria, Germany, Liechtenstein, the Netherlands, New Zealand, Norway, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America all reported having

engaged in bilateral or multilateral discussions on the issue of international migration, addressing such vital concerns as international trafficking in migrants, the harmonization of visa and repatriation policies, refugee issues, the temporary migration of labour and the social integration of populations of migrant origin. The developed countries that responded to the inquiry also maintained contacts and exchanged information regarding migration policies with many Governments. Austria, Germany, Liechtenstein, the Netherlands, New Zealand, Norway and Spain all reported having exchanged information regarding their international migration policies with other Governments within the context of the EU, IOM, IGC, OECD and the Council of Europe.

16. Some countries, notably Kenya, Indonesia, the Islamic Republic of Iran, the Philippines, Turkey and Viet Nam, reported having participated in international migration conferences to discuss their concerns and to exchange information. The Philippine Government had hosted the United Nations Expert Group Meeting on Violence Against Migrant Women Workers, held in May 1996, to discuss the issue of international migration and to exchange information regarding policies and regulations.

B. Family reunification of documented migrants

17. The Programme of Action of the International Conference on Population and Development states that, "consistent with article 10 of the Convention on the Rights of the Child[3] and all other relevant universally recognized human rights instruments, all Governments, particularly those of receiving countries, must recognize the vital importance of family reunification and promote its integration into their national legislation in order to ensure the protection of the unity of the families of documented migrants" (para. 10.12). Governments are further "urged to promote, through family reunion, the normalization of the family life of legal migrants who have the right to long-term residence" (para. 10.13).

18. Little activity was reported on policies regarding the admission of family members for reunification purposes, although some countries mentioned policies in place before the International Conference on Population and Development.

19. In its response to the inquiry, Cuba reported that the migration agreement signed with the United States, whereby 2,000 Cubans could be granted entry visas each year, addressed issues facilitating family reunification. Bulgaria reported that it gave only recognized refugees the right to family reunification; aliens did not usually enjoy this right. Morocco reported having entered into discussions to facilitate family reunification of documented migrants with Italy and Spain, important receiving countries for Moroccan emigrants. Namibia reported having promoted family reunification of people of Botswa of Namibian origin.

20. Liechtenstein reported that it was eliminating restrictions regarding family reunification for temporary labour migrants, with full respect for gender equity, following the entry into force in May 1995 of the Treaty on the European Economic Area. Norway reported that the Ministry of Justice was considering liberalizing elements of the current legislation on family reunification. The

United Kingdom and the United States reported that family reunification was one of the principles underlying their immigration legislation.

C. Social and economic integration of documented migrants having the right to long-term residence

21. The Programme of Action of the International Conference on Population and Development urges Governments "to ensure the social and economic integration of documented migrants, especially of those who have the right to long-term residence in the country of destination", by extending to them treatment equal to that enjoyed by their own nationals and, as appropriate, to facilitate their naturalization (paras. 10.10-10.12).

22. Few countries reported having implemented special programmes or activities since the International Conference on Population and Development to promote the social and economic integration of documented migrants and their families. Costa Rica reported that the 1994-1998 National Development Plan, drafted following the International Conference on Population and Development, included the promotion of policies to address migration and integration issues. Jordan reported having passed Labour Law, No. 8/1996, which seeks to promote the social and economic integration of documented migrants. South Africa reported having invited nationals of Southern African Development Community (SADC) member States who had been living in the country for five years or longer to apply for permanent residence, regardless of their legal status. Yemen reported having integrated migrants from Africa.

23. Fewer than half the countries responding to the inquiry reported recent changes in policies or special measures implemented to facilitate the naturalization of documented migrants. Cambodia reported that a nationality law was under review in the National Assembly. Indonesia had recently formulated a policy to simplify naturalization procedures and cut fees to a minimum. Namibia had facilitated the process of acquiring citizenship by improving facilities where citizenship papers were issued. South Africa had exempted long-term migrants from permit control, which was stipulated in the Alien Control Act. Migrants residing in the country for a period of five years might apply for citizenship. In the United Republic of Tanzania, the term of residence required before naturalization had recently been shortened from 10 to 5 years.

24. Among the developed countries that responded to the inquiry, eight reported having undertaken activities to facilitate the integration of migrants. Germany's forthcoming sixth Family Report would be devoted entirely to the situation of families of foreign origin residing in Germany. The German Government was planning comprehensive reform of its nationality law and intended to submit a draft bill soon. Liechtenstein's accession to the Treaty on the European Economic Area in 1995 had led to an expansion of the right to long-term residence for citizens of European Economic Area (EEA) countries. The Netherlands had passed the National Assistance Act (1996), which obliged international migrants receiving social assistance benefits to participate in social integration programmes. In New Zealand, changes had been made in the selection criteria of "targeted" migration categories (general skills and business investor) designed to assist the migrants concerned in settling

successfully. In Norway, the issue of social and economic integration was expected to be addressed in a White Paper to be submitted to Parliament in February 1997. Spain had modified regulations concerning the type and duration of work and residence permits as well as requirements for obtaining permanent residency, which foreigners could acquire after six years of legal residence in the country. The concerns of women migrants had also been addressed, regardless of their legal and marital status. The United Kingdom had introduced many initiatives for addressing racial disadvantages, including programmes to regenerate the economy in inner cities. To facilitate the social and economic integration of documented migrants, the United Kingdom had, in 1996, reduced the fees charged for naturalization. The United States reported having initiated a Citizenship-USA project in 1996 to reduce naturalization processing time, which had been approaching two years in some cities, and the length of the review process.

D. Protection of migrants against discrimination

25. Few countries reported having passed specific anti-discrimination laws since the International Conference on Population and Development. Some countries reported that existing national regulations protected migrants against discrimination, others reported that migrants had the same access to facilities and employment as the native population or received treatment equal to that of nationals, and still others reported that their constitution forbade all forms of discrimination.

26. However, some countries reported having taken action to lessen possible discrimination, and others were in the process of formulating policies to eliminate discrimination against migrants. For example, in Africa, Guinea-Bissau and Mozambique reported having formulated policies to eliminate discriminatory practices against migrants and refugees and to ensure protection against racism, ethnocentrism, religious intolerance, xenophobia and gender discrimination. Namibia had adopted the Married Persons Equality Act in 1996 to protect women migrants against gender discrimination and was pursuing other initiatives related to gender equity, equality and empowerment, including the establishment of a Department of Women's Affairs to address women's issues. Togo reported that a paralegal programme implemented by non-governmental organizations had been attempting to eliminate sexual discrimination. Zimbabwe had recently passed an amendment to the country's Constitution making immigration regulations with respect to applicants the same for both sexes.

27. In Western Asia, Jordan reported that Jordanian Labour Law, No. 8/1996, protected the basic human rights of legal migrants, including foreign workers and refugees, particularly women, children and the elderly, and protected them against racism, ethnocentrism and religious intolerance as well.

28. In Asia, Indonesia had recently formulated a policy to eliminate discrimination against Chinese migrants and their children. After the Fourth World Conference on Women in 1995 and the considerable publicity on gender and women's empowerment, the Government of Maldives had reviewed existing laws to identify any gender discrimination that might exist. In Nepal, the Government had established the Ministry of Women and Social Welfare in response to the

International Conference on Population and Development and the Fourth World Conference on Women; it had also formed a task force of legal experts to recommend appropriate changes in existing laws that discriminated against women. The Philippine Department of Labour and Employment (DOLE) had implemented the DOLE Employment Overseas Programme in 1995 and enacted the Migrant Workers and Overseas Filipinos Act of 1995. To prevent discrimination in the workplace, in 1996, Thailand had implemented a regulation stating that employers must provide foreign workers with the same working conditions as those described in the country's Labour Law.

29. In Latin America, Costa Rica had been implementing a Gender Equity Policy drafted in 1990 and a more recent policy drafted in 1995 regarding domestic violence against women. New laws covered all women who were victims of discrimination or violence, including nationals, international migrants and refugees. Mexico reported that, in 1996, the Mexican Immigrant Peasants Union had been established to address the social, economic and political inequalities affecting the more than 5 million Mexican workers in the United States. Uruguay reported non-governmental organization initiatives in this area in the wake of sporadic outbreaks of xenophobia and racism.

30. Among countries with economies in transition that had responded to the inquiry, Bulgaria reported that refugees and asylum-seekers were protected by Ordinance No. 208 (1994) for Granting and Regulating the Refugee Status by the Council of Ministers. The Ministry of the Interior had been taking extra measures to suppress xenophobia and violence by racist groups, and the Ministry of Education was implementing educational programmes on this topic. In Poland, a new employment law, which provided recognized refugees with access to legal employment, had been promulgated in 1995.

31. Among developed countries that had responded to the inquiry, Germany reported that the Government had been publicly discussing the problem of discrimination. Japan reported that the human rights division of the Ministry of Justice had been undertaking public information and education activities to promote the idea of human rights among the population. Norway reported that the Department of Immigrant and Refugee Affairs would formulate a plan of action to update policy in this area, including the development of better instruments to measure discrimination, violence and harassment. The Spanish Government had implemented activities to discourage racism and xenophobia and to promote intercultural tolerance and harmony. In the United Kingdom, the Government had introduced two new offences into the Criminal Justice and Public Order Act, 1994: intentional harassment and the publication and distribution of material likely to incite racial hatred. The British Judicial Studies Board had recently established an Ethnic Minorities Advisory Committee to design relevant training programmes for judges and materials on issues pertaining to race. The United States reported that a provision of the 1994 Violent Crime Control Act allowed abused alien spouses and children of United States citizens or lawful permanent residents to "self-petition" to become legal permanent United States residents. The Immigration and Naturalization Service had issued formal guidelines to assist officers in evaluating gender-based claims of asylum, identify procedural difficulties that women who had suffered gender-related violence might face in presenting their cases and offer solutions with respect to addressing women's special needs.

E. Temporary labour migration

32. Of the 62 countries that had responded to the inquiry, 7 countries reported having formulated new policies or legislation and 27 reported having engaged in bilateral or multilateral negotiations regarding labour migration.

33. In sub-Saharan Africa, Kenya's National Employment Bureau of the Ministry of Labour and Manpower Development had been involved in a project known as the "Return of Talent Programme" with IOM. Concerned with the legal and social status of migrant workers, Madagascar had conducted negotiations with Mauritius on the possibility of establishing an agreement concerning the working conditions of Madagascar nationals in Mauritius. Legislation adopted in August 1996 guaranteed the security of capital and investments, the freedom of transferring capital, respect for individual and collective property rights and equality of treatment of investors in the country. Mozambique had entered into bilateral negotiations with South Africa regarding temporary labour migrants and had recently conducted negotiations with Gibraltar and the Persian Gulf countries to safeguard the wages and working conditions of migrant workers. Namibia had signed a bilateral agreement with China to promote investment business involving temporary immigration of Chinese business people and their families to Namibia. South Africa had entered into bilateral agreements with other Governments related to temporary labour migration of mineworkers. The United Republic of Tanzania had signed bilateral and multilateral agreements with countries that accepted Tanzanians for project-related employment. Uganda and Zimbabwe had both reported conducting negotiations regarding temporary labour migration.

34. In Northern Africa and Western Asia, Morocco had engaged in negotiations with the countries of the EU. Jordan reported that Labour Law, No. 8/1996, had protected all legal rights of migrants, including the wages and working conditions of migrant workers. Yemen had participated in negotiations with other countries regarding temporary labour migration.

35. In Asia, Bangladesh, which aimed at increasing its manpower employment opportunities abroad and at curbing unemployment and underemployment at home, had entered into bilateral negotiations with the Russian Federation regarding temporary labour migration. Cambodia had established an agreement with IOM to assist in emigration applications. Indonesia had entered into bilateral negotiations with Malaysia and Saudi Arabia, two major recipients of Indonesian workers. In Maldives, the critical need for skilled manpower was being addressed in the short term by a relaxed policy regarding the importation of expatriate labour. Malaysia had been addressing the issue of immigration of foreign workers at both bilateral and multilateral levels. Regulations in 1995 and 1996 had enabled undocumented labour migrants who registered with the authorities to apply for temporary work permits. Since the International Conference on Population and Development, the Malaysian Government had passed the Workers Safety and Health Act of 1995 to address the working conditions of both migrant and native workers. The Philippines had signed a Memorandum of Agreement with Jordan, Iraq and Qatar and was reviewing similar agreements with several other countries. Sri Lanka and Thailand had both been conducting bilateral negotiations concerning temporary labour migration. Thailand had appointed a special committee to consider the issue of foreign workers.

Viet Nam reported having negotiated agreements on labour migration with a number of countries since the International Conference on Population and Development. In addition, concerned organizations in Viet Nam, Japan and the Republic of Korea had conducted discussions and negotiations on issues relating to the sending and receiving of Vietnamese migrant workers.

36. In Latin America and the Caribbean, Bolivia reported having entered into negotiations, through the bilateral commissions and the subregional integration institutions, with Argentina, Brazil, Chile, Paraguay and Peru to arrange "import-export corridors" and "free trade" areas which would, in certain cases, eliminate the need for passports. Short-term and project-related migration agreements had been undertaken to establish a bi-national city at the border between Bolivia and Paraguay, to secure common rules for transport through the Bolivian-Chilean border, to extend the deadlines given to Bolivian migrants to regularize their status and to arrange for the repatriation of Peruvians engaged in trafficking in migrants. Costa Rica had initiated a short-term labour migration card to facilitate a temporary migration agreement concerning Nicaraguan labour migrants who were engaged predominantly in construction and agriculture. Cuba reported having held bilateral negotiations with other Governments to discuss the migration of workers and experts in select fields, especially physicians and health technicians. Uruguay reported having conducted multilateral negotiations on labour migration within the framework of MERCOSUR.

37. Among countries with economies in transition, Albania had signed an agreement with Germany for job-training employment of 18 months and an agreement with Greece for seasonal employment. It was negotiating with the Italian Government with respect to signing an agreement for seasonal employment. Bulgaria had signed agreements concerning temporary labour migration with several countries to enable a limited number of qualified workers to obtain temporary employment in these countries. The Republic of Moldova hoped to conclude bilateral agreements with Western and Central European countries regarding the regulation of labour migration from the Republic of Moldova to these countries. The Russian Federation, which had conducted bilateral and multilateral negotiations on temporary labour migration, was completing a complex Programme of New Jobs Creation for 1996-2000, which sought to safeguard the wages and working conditions of both migrant and native workers. The Government had been responsible for elaborating the Common Labour Market and Labour Migration Regulations for the countries in the Commonwealth of Independent States (CIS).

38. Several developed countries reported having conducted negotiations or having formulated new policies regarding temporary labour migration. Germany had concluded agreements governing work contracts with a number of countries in Eastern Europe. New Zealand had made bilateral agreements concerning working holidays with Canada, Ireland, Japan, Malaysia and the United Kingdom. It had recently established a visa-free arrangement for short-term visitors with the Czech Republic and South Africa. Norway reported having entered into bilateral agreements with several countries regarding the temporary training of foreign nationals and Spain had approved a resolution on the admission of temporary labourers from developing countries. The United Kingdom reported having ratified the General Agreement on Trade in Services (GATS),[4] which includes provision for the movement of naturalized persons. In December 1996, employment

rights, which protect workers from being unfairly dismissed or discriminated against on grounds of race or sex, had been extended so as to make it unlawful for an employer with 20 or more employees to treat an individual less favourably than other persons because of disability. The United States reported that, besides the terms of the North American Free Trade Agreement (NAFTA) and the General Agreement on Trade in Services, immigration legislation provided for the temporary admission of workers in various categories, such as those in specialty occupations that required a baccalaureate degree, agricultural workers and persons with extraordinary ability in the arts, sciences, education, business or athletics.

39. Seven developing countries - Cuba, Indonesia, Nepal, Pakistan, Sri Lanka, Thailand and Togo - reported having facilitated emigration by providing services for persons who sought employment abroad. In 1995, Indonesia had established a special agency to coordinate and improve the operation of approximately 300 overseas employment services in the country. In Pakistan, the Ministry of Labour and Manpower had established an Overseas Employment Corporation to facilitate the emigration of nationals of Pakistan who sought employment abroad. Togo reported that the Ministry of Labour was formulating a policy to address the presence of many unemployed graduates in the job market.

40. Some countries had had a well-established system for facilitating the emigration of those who had sought employment abroad before the International Conference on Population and Development. In June 1995, the Philippine Government, which had long facilitated the emigration of Filipinos who sought employment abroad, enacted the Magna Carta for Overseas Workers, which stipulates that the Government "does not promote overseas employment as a means to sustain economic growth and achieve national development".

F. Refugee and returnee assistance and rehabilitation

41. The large number of refugees and asylum-seekers in the world today have placed considerable strain on the institution of asylum in industrialized countries. Many countries are concerned with the increasing number of persons who abuse the asylum system by claiming that they are refugees when, in reality, they are economic migrants attempting to circumvent immigration restrictions.

42. Many countries had formulated refugee policies, had had programmes in place to assist refugees and had passed refugee legislation before the International Conference on Population and Development. Many others, however, had relied on UNHCR and the international community for assistance and on national and international non-governmental organizations. Four countries reported having drafted new refugee legislation to address refugee concerns. One country had recently adopted a strict non-readmission policy with regard to persons whose asylum claims had been rejected and one country had issued a decree defining refugees.

43. In sub-Saharan Africa, Burundi had promoted a policy of refugee repatriation and resettlement, with assistance organized as a function of the different types of refugees (women, children, and so on). Kenya was drafting a refugee bill to address such issues as basic human rights and protection against

all forms of discrimination. The Kenyan Constitution and the Kenya Citizenship Act provided for women who were recognized refugees and were married to Kenyan citizens to be registered as citizens of Kenya. To address the special concerns of women refugees, the Kenyan Government, donor agencies and UNHCR had established a special fund administered by CARE International to provide medical assistance, maternal counselling and development skills to women refugees. A Social Services Department had been established at the camp level to address women's and children's concerns, including educating of women in such topics as child-spacing and good nutritional practices. To protect refugees, especially women and children, the Government had established police posts and a police station at refugee camps. With assistance from non-governmental organizations, the Government had established special child-care and educational centres in the camps. The Government had also initiated an Individual Household Feeding Programme and had been providing supplementary wood fuel to reduce the long distances that women and children must cover to obtain wood, thus minimizing the incidence of rape and violence.

44. In October 1994, Madagascar issued Decree 04-642, which states that refugees are foreigners who for political or other reasons are admitted as such on the territory of the Republic of Madagascar by the decision of the Ministry of the Interior. In Mauritania, the Special Programme of Rapid Integration, in cooperation with UNHCR and both national and international non-governmental organizations, had assisted Mauritanians returning from Senegal. Activities had also been conducted in collaboration with the United Nations High Commissioner for Refugees and several non-governmental organizations to assist refugees from Mali. In Namibia, resettlement programmes administered by the Ministry of Lands, Resettlement and Rehabilitation had been operating with renewed vigour since the International Conference on Population and Development. The Government had supported the peaceful repatriation and rehabilitation into society of Namibian citizens who had gone into exile during the pre-independence years. Togo reported the existence of local activities that had provided assistance to refugees from Ghana fleeing tribal wars. In the past few years, Uganda had encouraged the repatriation of its nationals who were in exile and made provisions to resettle them. Zimbabwe reported having been resolving its refugee problem through regularization and voluntary repatriation.

45. In Western Asia, Yemen reported efforts to integrate refugees from Africa, especially those from Somalia.

46. In Asia, Bangladesh reported that it had been repatriating the remaining refugees from Myanmar who had been found in camps near the Bangladesh-Myanmar border. Cambodia had signed readmission agreements with Indonesia and Malaysia regarding the acceptance of returnees. Together with UNHCR, Indonesia had repatriated all Vietnamese refugees in 1995. The Islamic Republic of Iran had recently adopted a strict non-readmission policy with regard to asylum-seekers whose claims had been rejected. This policy had also been strictly applied to documented refugees who had left the Islamic Republic of Iran illegally, seeking resettlement in a third country. In Myanmar, a working group chaired by UNHCR had been organized to coordinate development assistance for returnees of Rakhine State. In Nepal, the Home Ministry was coordinating donor support to Bhutanese refugees. In the Philippines, there had been an ongoing Repatriation Programme for Vietnamese boat people at the Puerta Princesa camp in Palawan.

47. In Latin America, Bolivia reported that IOM had assisted in transporting Cuban refugees from Guantánamo and that the Specialized Services and Study Centre for Migrations had assisted in their resettlement. El Salvador had launched a comprehensive programme for the assistance, rehabilitation and adjustment of refugees returning after the conclusion of the International Conference on Central American Refugees 1989-1990/1995 (CIREFCA). Mexico had implemented the Plan for the Migratory Stabilization of Refugees, which offered immigrant status to the families of refugees in Campeche and Quintana Roo. In Nicaragua, rural development programmes had been established to provide rural credit extension, housing and educational and health facilities to promote local settlements in the zones most heavily affected by out-migration in the 1980s. Uruguay had reported that a new refugee law was being formulated at the request of the Ministry of the Interior.

48. Among developed countries, Austria reported having supported a programme for the repatriation and reintegration of women refugees in Mozambique. Germany reported having signed repatriation agreements with Algeria, the Czech Republic, Pakistan, Viet Nam and Yugoslavia. Other countries being considered were India, Sri Lanka, the Russian Federation, Ukraine and African countries. The German Federal Ministry of the Interior was financing three vocational training projects in Bulgaria, Romania and Poland - the main centres of East-West migration. The Government had been granting interim financial aid to persons returning to certain countries.

49. Liechtenstein had drafted a new refugee law which was under debate in Parliament. Both Liechtenstein and Norway had been facilitating the repatriation of refugees who wished to return to Bosnia and Herzegovina. The Netherlands reported the establishment of a readmission agreement in 1995 between Belgium, Luxembourg and the Netherlands (BENELUX) and Romania. Norway's Ministry of Children and Family Affairs had presented a Plan of Action for Minority and Refugee Children and Youth in January 1996 containing more than 65 measures to achieve equality for children and youth with a minority background. In June 1995, the United States had announced the Bosnian Women's Initiative, matched by a $5 million contribution to UNHCR, which was expected to result in better integration of Bosnian women back into their society and economy. The United States had also funded a special effort in the Great Lakes Region of Africa in 1994 and 1995 so as to reunite more than 40,000 unaccompanied refugee children with their families.

G. Undocumented migration

50. Nineteen countries reported having undertaken activities to address the problem of undocumented migration, including formulating new policies, engaging in negotiations with other Governments and signing readmission agreements.

51. In sub-Saharan Africa, Guinea-Bissau reported that it had entered into negotiations regarding readmission agreements that protected the basic human rights of undocumented migrants and persons whose asylum claims had been rejected. Mozambique had been negotiating such an agreement with South Africa. The United Republic of Tanzania had been attempting to harmonize policies

regarding undocumented migrants from neighbouring countries. Zimbabwe reported having been regularizing the status of its undocumented migrants.

52. In Northern Africa and Western Asia, Morocco had entered into negotiations with countries of the EU concerning the human rights of undocumented migrants. Yemen reported having signed readmission agreements that protected the basic human rights of undocumented migrants and persons whose asylum claims had been rejected.

53. In Asia, Cambodia had been engaged in negotiations with Thailand regarding undocumented labour migrants and with Viet Nam regarding the undocumented immigration of Vietnamese nationals. Indonesia had been working closely with Malaysia to address the issue of returning undocumented migrant workers from Malaysia. The Philippines had requested the Governments of Greece, Italy and the United Arab Emirates to protect the basic human rights of undocumented migrants. Thailand's National Security Council had introduced several measures to address the growing problem of undocumented migrant workers, especially along the Thai-Myanmar border, including establishing regulations that permitted the hiring of undocumented migrant workers while they were waiting to be repatriated. In July 1996, the Government had established new short-term measures to control the flow of unskilled, undocumented migrant workers; a Cabinet resolution that permitted hitherto undocumented foreign migrant workers to be legally employed in Thailand had taken effect in September 1996.

54. In Latin America, Costa Rica reported that readmission procedures protecting basic human rights of undocumented migrants had not been explicitly agreed upon but had been put into practice because of the persistent recurrence of undocumented migrants from Nicaragua. In 1995, Mexico had signed an agreement with the United States for a pilot programme known as Tierra Adentro, to repatriate undocumented migrants; Mexico and the United States had also established the International Coordination of Border Rights to protect undocumented workers. Paraguay had been engaged in discussions with Argentina, requesting more extensive provisions whereby undocumented Paraguayans in Argentina could regularize their situation.

55. Among countries with economies in transition, Bulgaria and Poland had both signed readmission agreements with many European countries regarding the return of nationals of contracting States and/or of third-country nationals who had entered illegally.

56. Among developed countries, Norway reported having entered into bilateral negotiations with Estonia concerning readmission agreements. Spain had signed agreements with several European countries concerning the readmission of undocumented migrants. The United States Immigration and Naturalization Service was operating a pilot programme with more than 500 employers to verify that newly hired persons had been authorized to work in the United States. The United States reported that it had a reciprocal agreement with Canada regarding the exchange of deportees.

H. International trafficking in migrants

57. A number of countries reported that international trafficking in migrants had not been a perceptible problem. Eleven countries reported having engaged in activities since the International Conference on Population and Development to prevent this growing problem.

58. In Asia, Cambodia had requested IOM to assist in the prevention of trafficking in migrants. Indonesia had responded to the prostitution-related trafficking in migrants with stricter controls at the port of departure. In Nepal, the non-governmental organization sector had been active in programmes to prevent trafficking in girls. Thailand's Labour Law restricted the employment of foreign workers to selected areas of the country, to selected businesses and selected positions, and prohibited foreign workers from engaging in prostitution.

59. Bulgaria had been especially concerned with the trafficking in Bulgarian-born children of Turkish parents who had emigrated to Turkey. Border troops had been intercepting attempts to engage in trafficking in humans.

60. In Latin America, the Brazilian press had raised awareness of several cases of trafficking in Brazilian nationals, and the Government had prosecuted cases involving illegal activities. Mexico reported that its President had been planning to propose reforms in the General Population Law so as to prevent trafficking in migrants. Uruguay reported that high-level policy meetings with MERCOSUR, Interpol, the Ministry of Justice and migration authorities had been conducted to address the issue of the movement of people between borders.

61. Among developed countries, Germany reported that it planned to create a database of suspected "business caterers" (operators of bars and restaurants) to supplement measures to prevent trafficking in migrants. Liechtenstein had participated in the European Steering Committee on Migration and the activities of the Budapest Group which addressed, inter alia, international trafficking in migrants. The United States Department of State had, inter alia, implemented bilateral and regional diplomatic initiatives to increase awareness of the migrant trafficking problem and urged major source and transit countries to enact laws against alien smuggling. In 1995, the United States Department of Labor had hosted a symposium, entitled "Forced Labor: The Prostitution of Children" and funded an International Labour Organization (ILO) project in Thailand to prevent young women from entering into prostitution.

I. Government departments to address immigration issues and policies

62. Information received from the inquiries indicated that most countries had had departments or bureaux in place to address international migration issues before the International Conference on Population and Development. Other countries reported renewed activity in this area, including the establishment of a special committee or task force to address specific migration issues.

63. In sub-Saharan Africa, Madagascar reported the establishment, in 1995, of an ad hoc committee to discuss refugee concerns with UNHCR staff. In Mozambique, a Study Committee at the Ministry of Labour had been established to analyse international migration and to formulate immigration policy; the Department of Migratory Labour was responsible for the regulation and monitoring of labour migration to South Africa.

64. In Northern Africa, Morocco had established an Under-Secretariat within the Ministry of Foreign Affairs and Cooperation responsible for the implementation of government policy concerning Moroccans residing abroad.

65. In Asia, the Cambodian Foreigners and Immigrants Department at the Ministry of the Interior had been strengthened as a result of the arrival of a new department chief and the signing of a new immigration law. To address the concerns of the growing number of overseas workers, the Indonesian Ministry of Labour had established a special "semi-government" agency to coordinate approximately 300 overseas employment services. Malaysia had established a special Task Force for Foreign Workers to monitor, regulate and register the importation of foreign labour.

66. In Latin America, Bolivia reported that government officials from various ministries had attended a training course organized by IOM in July 1996 to discuss policies regarding the promotion, regularization, repatriation and integration of migrants. In Costa Rica, the National Migration Council would be responsible for drafting, in coordination with IOM, a migration policy by 1997.

67. Among developed countries, Liechtenstein had established, in 1996, the post of coordinator of all activities designed to assist refugees, facilitate their integration and prepare for their return to their home countries.

J. Collection of data on flows and stocks of international migrants

68. The Programme of Action of the International Conference on Population and Development urges Governments to support the gathering of data on flows and stocks of international migrants and on factors causing migration as well as the monitoring of international migration. To better address the concerns of women migrants, it is important for migration statistics to be disaggregated by gender. Twenty-eight countries responding to the inquiry reported having engaged in various activities designed to initiate or strengthen the collection of data on migration since the Conference. In addition, the UNFPA office in Fiji reported that several Governments in the South Pacific had been especially concerned with monitoring migration flows, given the impact of migration on population growth and distribution; several countries had been considering the establishment of a system for recording arrivals and departures.

69. In sub-Saharan Africa, Burundi reported that, in 1996, the country's air, border and foreigners' police had been invited to a national seminar on data collection, where they indicated their readiness to make all information on migration available to researchers. Mauritania had completed a National Survey of Migration in 1994. Namibia had designed a programme to improve the

collection, processing and analysis of international migration records. In South Africa, several universities and research institutions had engaged in research on migration, and the Department of Home Affairs had undertaken a joint research project with two research institutions focusing on international migration in the Southern African region.

70. In Northern Africa and Western Asia, Morocco reported that international migration research activities had been strengthened after the International Conference on Population and Development. The country's new Under-Secretariat in charge of the Moroccan community residing abroad had monitored migratory flows of Moroccans and promoted migration research. The Moroccan Centre for Demographic Research and Training (CERED) had organized a seminar on the impact of migration on the development of sending countries and on the legal instruments underlying migration policies. In Turkey, the State Institute of Statistics had submitted a project proposal to UNFPA to develop the Institute's data analysis capacity and to establish a database for international migration in Turkey. Yemen also reported having strengthened data-collection efforts in international migration.

71. In Asia, Bangladesh's data-collection and research activities in international migration had been strengthened after the International Conference on Population and Development by the Bureau of Manpower Employment and Training. Cambodia had collected data on tourists and business persons who had entered the country via the international airport. In Indonesia, researchers at the Indonesian Institute of Science had recently initiated an analysis of the factors affecting international migration. In Malaysia, a special task force had been established to register undocumented labour migrants. The Ministry of Population and Environment in Nepal had commissioned a baseline survey on migration which had been carried out by the Central Department of Population Studies at Tribhuvan University. The Ministry had also formed a task force on international migration to identify data gaps and research areas. The Philippines Commission on Filipinos Overseas of the Department of Foreign Affairs had been developing an information system for the collection of data on Philippine migrant stocks and flows. Sri Lanka reported that several non-governmental organizations had been engaged in migration research, notably the Centre for Women's Research (CENWOR), which conducted research on migrant and displaced women. Among several ongoing research activities in international migration in Thailand was a UNFPA-funded project, entitled "A Policy Study on the Management of Undocumented Migrant Workers in Thailand", which also entailed data collection.

72. In Latin America, Bolivia reported having held a training course in 1996 to help migration authorities improve controls of arrivals and departures, in cooperation with IOM and the Latin American Programme of Cooperation in Migration (PLACMI). In Brazil, data-collection efforts on stocks and flows of migrants as well as on factors causing migration had been strengthened as a result of a UNFPA-supported project that had organized several conferences to consider data availability and to debate policy options. Cuba had strengthened its data-collection efforts to monitor the flows and stocks of international migrants. In Honduras, the General Directorate of Population and Migration Policy had been planning to initiate a programme to ascertain the number of Hondurans who resided abroad and provide an information link between

international migrants and their families. Mexico had been monitoring international migration by means of a continuous Survey on Migration in the North Border. Nicaragua's General Population Census in 1995 (the first census of its kind since 1965) had contained questions concerning international migration. Uruguay reported that migration had been included in the activities of the Institute of National Statistics, which had been responsible for the national census in 1996. A programme on population at the Faculty of Social Sciences at the State university had been monitoring migration trends and conducting border-zone surveys.

73. Among countries with economies in transition, Bulgaria reported that several institutions had been engaged in gathering data on asylum-seekers, including the National Bureau for Territorial Asylum and Refugees, the Bulgarian Red Cross and the Bulgarian Helsinki Committee. The Migration Department of the Republic of Moldova had requested technical assistance to strengthen data-collection and migration-related research activities.

74. Among developed countries, Germany reported that ministries involved in combating the causes of refugee flight in countries of origin had been attempting to exchange migration data. Liechtenstein had adapted its data-collection system to meet the requirements established under the Treaty on the European Economic Area. Norway reported that several data-collection and related research activities on migration had been initiated since the International Conference on Population and Development, including the research programme on International Migration and Ethnic Relations (IMER). Spain reported that the Inter-Ministerial Commission on Foreigners published an annual statistical report on the foreign population residing in Spain, including students, refugees and asylum-seekers, naturalized citizens and foreign workers. The New Zealand Immigration Service was developing an information system, to be implemented in early 1997, to improve the recording of migrant flows. The United Kingdom reported that it provided statistics and advice to the joint Economic Commission for Europe (ECE)/Statistical Office of the European Communities (Eurostat) Working Group on Migration Statistics. The country had also been continuing to support the work of the OECD Working Party on Migration. The United States reported that, in recent years, the Immigration and Naturalization Service had supported more research on migration and expanded its programme of statistical publications.

III. ACTIVITIES IN THE FIELD OF INTERNATIONAL MIGRATION UNDERTAKEN SINCE THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT AT THE REGIONAL LEVEL

A. Regional conferences

75. In addition to research conducted by the regional commissions, the major regional activities in the field of international migration were conferences and expert group meetings. Since the International Conference on Population and Development, regional conferences had addressed various migration issues, including refugee concerns and trafficking in migrants. A series of expert group, technical and subregional meetings had been held in preparation for many of these conferences.

76. Among the important conferences were the Regional Conference on International Migration in Northern and Central America, held in Puebla, Mexico, in March 1996; the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, held in Geneva, in May 1996; and the Mediterranean Conference on Population, Migration and Development, held in Palma de Mallorca, Spain, in October 1996. The Ministerial Session of the Southern African Ministers' Conference on Population and Development, held in Pretoria, South Africa, in October 1996, had stressed the need for regional cooperation to address priority concerns, including migration between countries in the region.

B. Other activities

77. In Africa, a Draft Protocol on the Free Movement of Persons in the Southern African Development Community (SADC) was signed by member States in June 1995. The main objective of the Protocol is to confer, protect and promote the right of every citizen of a member State to enter freely and without a visa the territory of another member State for a short visit, the right to reside in the territory of another member State and the right to establish oneself and work in the territory of another member State. Discussions on the free movement of SADC nationals and on a common passport were in the final stages at the time of the inquiry.

78. The countries of Central America announced their intention of moving towards greater cooperation and integration in political, economic and social spheres. With the support of IOM, in December 1994, these countries had formed a regional Central American Migration Programme (PROCAM) to draft policies, promote legislation and create a migration information system. A new migration code for the subregion was under review.

79. Among the regional groups that have been founded since the International Conference on Population and Development is the intergovernmental consultative group established by the United States and nine other countries of Northern and Central America, in March 1996, to discuss issues pertaining to international migration, including adopting a long-term approach to regional migration.

IV. ACTIVITIES IN THE FIELD OF INTERNATIONAL MIGRATION UNDERTAKEN SINCE THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT BY THE UNITED NATIONS SYSTEM AND THE INTERNATIONAL COMMUNITY

A. The United Nations system and international organizations

80. In the course of their regular work, various bodies of the United Nations system - United Nations departments, regional commissions, specialized agencies, funds and programmes - address diverse aspects of international migration. Some, such as UNHCR, concern themselves exclusively with migration issues. Others, such as ILO, address migration issues as part of a broader mandate. The Population Division of the Department for Economic and Social Information and

Policy Analysis of the United Nations Secretariat (DESIPA) conducts studies on the levels and trends of international migration, international migration policies and the interrelationship between international migration and development. The United Nations Statistics Division (of the Department for Economic and Social Information and Policy Analysis of the United Nations Secretariat) is responsible for setting the standards for the collection and dissemination of statistics on international migration. The Macroeconomic and Social Policy Analysis Division of the Department for Economic and Social Information and Policy Analysis of the United Nations Secretariat conducts studies on the social aspects of international migration. The regional commissions also address international migration issues by monitoring migration trends; conducting surveys; carrying out research; and organizing conferences, meetings and seminars on migration topics. In 1996, the Working Group on International Migration, one of six working groups of the Inter-Agency Task Force for the Implementation of the Programme of Action of the International Conference on Population and Development, announced plans for a Technical Symposium on International Migration in 1998. The Symposium would examine the scope and impact of government policies on migration flows and stocks, and issues related to return migration, integration and settlement. The report of the Administrative Committee on Coordination (ACC) Task Force on Basic Social Services for All, which deals with the implementation of the Programme of Action of the International Conference on Population and Development, will detail the issues addressed by the Working Group.

81. Several international organizations are active in the field of international migration, among them OECD and IOM. OECD conducts research, organizes meetings and conferences and disseminates timely data on international migration to OECD countries through its continuous reporting system on international migration (Système d'observation permanente des migrations (SOPEMI)). IOM conducts operational programmes, carries out technical cooperation activities, convenes conferences and meetings, commissions studies on various migration topics and publishes an academic journal on international migration.

B. International conferences

82. International migration was in the agenda of every major international conference after the International Conference on Population and Development. There were references to migrants and refugees in the Copenhagen Declaration on Social Development[5] and the Programme of Action of the World Summit for Social Development[6] adopted in March 1995; the situation of women migrants was discussed at the Fourth World Conference on Women in September 1995; and the central role of women in human settlements was recognized at the second United Nations Conference on Human Settlements (Habitat II) in June 1996. On 23 December 1994, the General Assembly adopted its resolution 49/166 on traffic in women and girls, in which the Assembly, inter alia, urged Governments to take appropriate measures to address the problem of trafficking in women and girl children and to ensure that victims were provided with the necessary assistance and rehabilitation.

83. The International Symposium on Environmentally Induced Population Displacements and Environmental Impacts Resulting from Mass Migrations, convened in April 1996 in Switzerland, discussed practical measures to prevent, mitigate and reverse the environmental degradation that both causes and results from population displacements. The Statement of Principles[7] produced by consensus at the Symposium sets a framework for action to address the negative environmental consequences of mass migration.

V. CONCLUSION

84. This report has reviewed progress with respect to policies, programmes and other activities in international migration implemented after the adoption of the Programme of Action of the International Conference on Population and Development. While recognizing the importance of endeavours at the international and regional levels, the report has focused primarily on activities in international migration undertaken at the country level.

85. Although some Governments had addressed international migration issues before the International Conference on Population and Development, responses from the field indicate that much activity occurred after the Conference. Most activities were focused on cooperation and dialogue between countries of origin and countries of destination. More than half of the 62 countries that responded to the inquiry (58 per cent) reported having engaged in bilateral and multilateral negotiations and discussions on the issue of international migration. Fifty-eight per cent of Governments had exchanged information with other Governments regarding their international migration policies and regulations governing the admission and stay of migrants. Twenty-one per cent of countries reported having discussed or signed readmission agreements to protect the basic human rights of undocumented migrants and persons whose asylum claims had been rejected. Several Governments had formulated international migration policies, passed migration legislation or modified existing policies and laws governing migration; several others were in the process of reviewing immigration legislation.

86. The migration of temporary labour was the topic of many negotiations and agreements between Governments. Thirty-four countries or 55 per cent of all countries that responded to the inquiry reported having engaged in bilateral or multilateral negotiations regarding labour migration or having formulated new policies or legislation in this area. Other countries reported that existing laws ensured that both groups of workers were paid the same wages and work under the same conditions. Seven countries reported having provided services to facilitate the emigration of nationals who sought employment abroad.

87. The majority of countries responding to the inquiry did not report having implemented post-Conference special programmes or activities to promote the social and economic integration of documented migrants and their families. It appears from the inquiries that many migrants had already been receiving the same treatment as nationals. Since the Conference, 16 developing and 6 developed countries had taken measures to eliminate discrimination and to suppress xenophobia and violence by racist groups.

88. A number of resettlement and rehabilitation programmes for refugees and returnees had been initiated or strengthened after the International Conference on Population and Development; 18 countries reported such activities. In other countries, such programmes had been in operation before the Conference.

89. The issue of undocumented migration was in the agenda in the negotiations in several countries that sought to reduce the number of undocumented migrants within their territory. Nineteen countries had adopted specific measures to address the problem, including formulating new policies such as enforcing border patrols and increasing penalties for undocumented migrant workers and employers who hired them, engaging in negotiations with other Governments and/or signing readmission agreements. Eleven countries reported activities to prevent trafficking in migrants.

90. There were encouraging signs of commitment and dedication to the implementation and strengthening of international migration programmes. The responses indicated that Governments were willing to exchange information, participate in negotiations and enter into bilateral and multilateral agreements with neighbouring countries on issues of special concern. They were also willing to participate on the international and regional levels in discussions of such major problems as undocumented migration, asylum abuse, integration of documented migrants, protection against discrimination and trafficking in migrants.

91. The challenges faced in implementing international migration policies and programmes, especially at the national level, are many. Governments must resolve such basic issues as how to formulate policies that will balance the interests of the migrant, the State and the international community; how to strengthen migration controls while remaining open and democratic; and how to place migration in the larger context of foreign and domestic policy goals. Governments must study the options available to curb the flow of undocumented migrants and, at the same time, ensure that persons who need international protection receive it. They must resolve the problem of addressing labour shortages by importing foreign labour or turning to solutions such as exporting jobs, increasing the productivity of current workers and mobilizing underutilized workers in the domestic labour force.

92. Financial constraints remain an obstacle to the implementation of programmes in international migration for many developing countries. Historically, the majority of funding for population programmes had been earmarked for reproductive health/family planning programmes. Scant financial resources remained for international migration activities. Donor agencies and Governments should be encouraged to allocate a certain percentage of their funding for population assistance to migration activities.

93. There is also a need for more information, education and communication concerning international migration. Governments, locally elected bodies, communities, the private sector and non-governmental organizations should work to increase public awareness of migration issues. It is important to sustain political commitment at all levels of society for the successful implementation of international migration policies and programmes. Information campaigns to

inform potential migrants of the legal conditions for entry, stay and employment in host countries are essential.

94. The Commission on Population and Development can play a major role in drawing the attention of the international community to the importance of addressing international migration issues and implementing the recommendations of the Programme of Action of the International Conference on Population and Development. The Commission should urge Governments to concern themselves with questions of migration and development, and to identify the causes of migration so that they can formulate more responsive policies. Governments should be urged to ensure that movements, both temporary and permanent, are orderly, and that migrants are treated not as commodities but as human beings with basic human rights. Of particular concern is the situation of women and children migrants, who must be protected from discrimination, abuse and exploitation. There is an urgent need to address gender issues and the special concerns of the family. Towards this end, Governments should be urged to collect migration data by gender. Particular attention should be paid to the special needs of refugee women and children.

95. A number of countries noted specific concerns and challenges in implementing international migration policies and programmes. These included experience of competition of functions among various departments responsible for aspects of international migration; difficulty in implementing measures to deal with the flow of undocumented migrant workers, especially with respect to controlling a long border between countries; difficulty in formulating clear policies regarding undocumented migration because of opposing interests of businesses; and difficulty in implementing policies at the field level because of conflicting views and inadequate staffing. For some countries, armed conflicts constitute a major obstacle to the implementation of international migration programmes.

96. The United Nations and international organizations with mandates in the area of migration have a crucial role to play in increasing awareness, knowledge, understanding and commitment at all levels of society so that individuals, community leaders, non-governmental organizations, policy makers, Governments and the international community appreciate the significance of international migration issues and take responsible actions to address them. The role of international organizations that address migration issues should be strengthened so that they can deliver adequate technical support to developing countries, advise in the management of international migration flows and promote intergovernmental cooperation and dialogue. Strategies must be developed to ensure that migration contributes to development and international relations.

97. International cooperation and collaboration are vital to the achievement of the goals and objectives of the Programme of Action of the International Conference on Population and Development in international migration. The United Nations is uniquely positioned to play a facilitating role in this regard by enhancing system-wide collaboration on issues related to international migration and by encouraging dialogues, both between and within countries, to resolve these issues. It should ensure that due attention is paid to human rights and to internationally agreed conventions.

Notes

[1] Report of the International Conference on Population and Development, Cairo, 5-13 September 1994 (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[2] The following countries responded to the inquiry by 25 November 1996: developing countries: Bangladesh, Bolivia, Brazil, Burundi, Cambodia, Cameroon, Costa Rica, Cuba, El Salvador, Fiji, Guinea-Bissau, Honduras, Indonesia, the Islamic Republic of Iran, Jordan, Kenya, Madagascar, Malaysia, Maldives, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, the Niger, Pakistan, Papua New Guinea, Paraguay, Peru, the Philippines, Rwanda, South Africa, Sri Lanka, Thailand, Togo, Turkey, Uganda, the United Republic of Tanzania, Uruguay, Viet Nam, Yemen, Zaire and Zimbabwe; countries with economies in transition: Albania, Bulgaria, Poland, the Republic of Moldova and the Russian Federation; and developed countries: Austria, Germany, Japan, Liechtenstein, the Netherlands, New Zealand, Norway, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

[3] General Assembly resolution 44/25, annex.

[4] See Legal Instruments Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations, done at Marrakesh on 15 April 1994 (GATT secretariat publication, Sales No. GATT/1994-7).

[5] Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995 (A/CONF.166/19), chap. I, resolution 1, annex I.

[6] Ibid., annex II.

[7] See UNHCR, IOM and Refugee Policy Group, Environmentally Induced Population Displacements and Environmental Impacts Resulting from Mass Migrations: International Symposium (Geneva, 1996).